

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
(Alexandria Division)

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JULIA DESOGUGUA, on behalf of herself )  
and others similarly situated, )  
Plaintiffs, )

v. )

Civil Action No. 1:11CV188 (LO-JFA)

WELLS FARGO BANK, N.A., d/b/a )  
WELLS FARGO HOME MORTGAGE, )  
Defendants. )

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**WELLS FARGO’S RULE 26(f) CONFERENCE REPORT**

Pursuant to Rule 26(f)(2) of the Federal Rules of Civil Procedure and Rule 26(A) of the Local Rules of this Court, counsel of record for Defendant Wells Fargo Bank N.A. d/b/a Wells Fargo Home Mortgage (“Wells Fargo” or “Defendant”) submits the following Report of the Rule 26(f) conference (by telephone) held on August 10, 2011 at 11:00 a.m. between counsel for Wells Fargo and counsel for the Plaintiff, Julia Desogugua (“Plaintiff”).

During the conference call, the parties discussed a discovery plan proposed by the Plaintiff and which addressed a number of topics. Wells Fargo understood that there was agreement as to a number of issues, including that discovery should be bifurcated in phases (Phase I- Class Certification Discovery and Phase II- Merit/Post-Class Certification Discovery).

During the August 10, 2011 Rule 26(f) Conference, the parties were unable to agree on whether or not discovery (and related discovery deadlines and disclosures) should proceed until after a ruling on Wells Fargo’s motion to dismiss, currently set for hearing in approximately two weeks, on September 9, 2011. Pursuant to Rule 26(a)(1)(c), Wells Fargo objected during the Rule 26(f) conference to proceed with any discovery, including initial disclosures under Rule

26(a)(1)(A) until after a ruling on Wells Fargo's motion to dismiss. The grounds for Wells Fargo's objection are that if the motion to dismiss is granted, there will be no discovery, which will save all parties time and money. Additionally, if the motion to dismiss is denied, it is anticipated that the time during which there will be no discovery will not be significant and will not prejudice any of the parties. Moreover, Wells Fargo should not be required to provide its information through the discovery process to the Plaintiff and her counsel if the motion to dismiss is granted. Plaintiff's counsel has sued, and undoubtedly will sue, Wells Fargo on behalf of other clients, and he should not have the benefit of discovery if the motion to dismiss is granted.

Subsequent to the August 10, 2011 Rule 26(f) conference, the Plaintiff proposed an entirely new discovery plan not discussed by either party during the Rule 26(f) conference, and to which Wells Fargo does not agree. On August 23, 2011, Wells Fargo proposed that the parties file a Joint Rule 26(f) Report that attached both Plaintiff's and Wells Fargo's proposed discovery plans, but Plaintiff was unwilling to file a joint report as to what transpired during the August 10 Rule 26(f) conference. Wells Fargo's proposed discovery plan is attached as **Exhibit A**.

Respectfully submitted,

WELLS FARGO BANK, N.A., d/b/a  
WELLS FARGO HOME MORTGAGE

/s/ Terry C. Frank

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*Attorneys for Defendant Wells Fargo Bank, N.A.*

August 24, 2011

### **CERTIFICATE OF SERVICE**

I hereby certify that on the 24th day of August, 2011, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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